

11 FEB 1997

MEMORANDUM FOR CDR KANSAS CITY DISTRICT, ATTN: CEMRK-MD-H

SUBJECT: Addendum to DERP-FUDS Inventory Project Report (INPR) for Site No. B07MO001000, the Former St. Louis Ordnance Plant, Missouri

1. References:

a. Memorandum, CEMP-RF, 24 January 1997, subject: Defense Environmental Restoration Program for Formerly Used Defense Sites (DERP-FUDS) - Delegation of Preliminary Assessment/Inventory Project Report (PA/INPR), Project Approvals to Division Commanders (Enclosure 1).

b. Memorandum, CEMRK-EP-EC, 17 January 1997, subject as above (Enclosure 2).

2. This memorandum authorizes PRP/HTRW Project No. B07MO001003 for the Former St. Louis Ordnance Plant. The project is required to respond to legal action being pursued against the U.S. Government by a current landowner. The landowner is seeking to recoup expenses for removal and disposal of asbestos containing materials allegedly buried on the property by the Army prior to DOD real property disposal.

3. Any questions may be referred to David Nusz at (402) 697-2523.

/s/ Richard W. Craig

2 Encls
as

RICHARD W. CRAIG
Colonel, EN
Commanding

CF:

CEHNC-PM (w/encl)
CEMP-RF (wo/encl)
CECC-C (wo/encl)
CEMRK-EP-EC (wo/encl)
CEMRO-HX-S (Hager/wo/encl)
CEMRD-PM-H (Nusz/wo/encl)

Nusz/jth/2523 7 FEB 97
Tosoni/CEMRD-PM-HX 7 FEB 97
Turney/CEMRD-PM 2/3/97
Hager/CEMRO-HX-S 2/10/97
Wright/CEMRO-HX 10 Feb 97
Mahoney/CEMRD-OC 7 FEB 97
RW Craig/CEMRD-DE

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Site:	SLOP
ID #:	008210022465
Break:	1.3
Other:	AM 2-11-97

0744

40235612



SUPERFUND RECORDS



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

24 JAN 1997

CEMP-RF (200-1a)

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Defense Environmental Restoration Program for Formerly Used Defense Sites (DERP-FUDS) - Delegation of Preliminary Assessment/Inventory Project Report (PA/INPR), Project Approvals to Division Commanders

1. Reference:

a. DERP-FUDS Program Manual, U.S. Army Corps of Engineers, Directorate of Military Programs, Division of Environmental Restoration, Washington, D.C., July 96.

b. CEMP-RF memorandum, 16 Oct 96, Subject: Defense Environmental Restoration Program for Formerly Used Defense Sites (DERP-FUDS) - Preliminary Assessment Funding.

2. Effective 1 Feb 97, this memorandum delegates Preliminary Assessment/Inventory Project Report (PA/INPR), project approval authority from this headquarters to the Division Commanders, without further delegation.

3. In order to make a smooth transition of this program policy change, the following actions are required:

a. All PA/INPRs submitted to this headquarters prior to 1 Feb 97 will be reviewed and approved in the standard manner. PA/INPRs submitted after this date will be returned without action.

b. HQUSACE will continue to be available for PA/INPR policy consultation or dispute resolution, as needed.

c. PA/INPR review policy involving the HTRW CX and the OEW CX will remain unchanged. CEHNC, however, will forward all recommended OEW projects directly to the appropriate Divisions rather than this headquarters for their approval.

d. Copies of all Division PA/INPR project approval memorandums will be provided, in a timely manner, to CEHNC-PM and CEMP-RF, for their records. Copies of all Potentially Responsible Party (PRP) project approval memorandums will be provided to ~~CEMP-RF-HS~~ and CECC-C, for information only.

CEMP-RF-HX-S

End 1

24 JAN 1997

CEMP-RF (200-1a)

SUBJECT: Defense Environmental Restoration Program for
Formerly Used Defense Sites (DERP-FUDS) - Delegation of
Preliminary Assessment/Inventory Project Report (PA/INPR),
Project Approvals to Division Commanders

e. For FY 97 PA/INPR programming and funding guidance,
refer to reference 1b. For FY 98 and beyond, Divisions must
program and fund their critical PA needs from their Mission
Workplans.

4. Division Commanders are requested to closely monitor
implementation of this new delegated authority to ensure that
current FUDS project eligibility requirements are strictly
followed as defined in reference 1a.

5. Point of contact for this action is Mr. J. R. Gibson,
CEMP-RF, (202) 761-4709.

FOR THE DIRECTOR OF MILITARY PROGRAMS:


KISUK CHEUNG, P.E.
Acting Chief, Environmental
Division
Directorate of Military Programs

DISTRIBUTION:

COMMANDER, HUNTSVILLE ENGINEERING AND SUPPORT CENTER
COMMANDER, MISSOURI RIVER DIVISION
COMMANDER, NORTH ATLANTIC DIVISION
COMMANDER, NEW ENGLAND DIVISION
COMMANDER, NORTH PACIFIC DIVISION
COMMANDER, OHIO RIVER DIVISION
COMMANDER, PACIFIC OCEAN DIVISION
COMMANDER, SOUTH ATLANTIC DIVISION
COMMANDER, SOUTH PACIFIC DIVISION
COMMANDER, SOUTHWESTERN DIVISION

CF:

CECC-C (Jack Mahon)

CEMRD-ET-HS (Roger Hager)



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
700 FEDERAL BUILDING
KANSAS CITY, MISSOURI 64106-2896

REPLY TO
ATTENTION OF:

17 JAN 1997

CEMRK-EP-EC (200)

MEMORANDUM FOR Commander, U.S. Army Engineer Division, Missouri
River, ATTN: CEMRD-MD-H (Mr. David Nusz)

SUBJECT: Addendum to DERP-FUDS Inventory Project Report (INPR)
for Site No. B07MO001000, the Former St. Louis Ordnance Plant,
Missouri

1. This addendum to the INPR reports on a recent development at the site that may warrant further DOD action. The most recent site visit was conducted on 7 January 1997. The revised Site Survey Summary Sheet is enclosure 1 and the site map is enclosure 2.

2. We previously determined that the site was formerly used by the Army. The Findings and Determination of Eligibility (FDE), which was approved on 27 July 1988, is enclosure 3.

3. We also determined that there are evolving situations that will have to be addressed. The category of project proposed is PRP/HTRW. The PRP/HTRW Project Summary Sheet is enclosure 4. A legal complaint generated by a current owner is enclosure 5. No cost estimate is associated with this proposal.

4. An appropriate District legal review has been conducted.

5. I recommend that you:

a. Forward a copy of this INPR to CEHNC for the preliminary assessment file.

b. Forward a copy of this INPR to CEMP-RF requesting approval and funding for the Kansas City District to accomplish this proposed project in FY97.

Encl

CEMRK-EP-EC (200)

SUBJECT: Addendum to DERP-FUDS Inventory Project Report (INPR)
for Site No. B07MO001000, the Former St. Louis Ordnance Plant,
Missouri

6. The Kansas City District's point of contact for this matter
is Dan Ahern at 816-426-2608, extension 3010.

FOR THE COMMANDER:

5 Encls

1. Site Survey Summary Sheet
2. Site Map
3. FDE
4. Project Summary Sheet
5. Complaint


RONALD J. JANAK
Lieutenant Colonel, EN
Deputy Commander

REVISED
SITE SURVEY SUMMARY SHEET
FOR
DERP-FUDS SITE NO. B07MO001000
THE FORMER ST. LOUIS ORDNANCE PLANT, MISSOURI
3 NOVEMBER 1995
10 JANUARY 1997

SITE NAMES: The former St. Louis Ordnance Plant (SLOP) is owned by a number of private and governmental entities, each of which has self entitled their portion of the formerly used Defense property. Between 1945 and 1951, the property was utilized as a record center for the Adjutant General's Office and the Finance Center, U.S. Army. During the time, the area was referred to as the St. Louis Administration Center. On 1 March 1966, portions of the original DOD property were redesignated as the St. Louis Army Ammunition Plant.

LOCATION: The former SLOP is at the intersection of Goodfellow Boulevard and Interstate 70 in St. Louis, Missouri (see enclosed site map).

SITE HISTORY: Purchased and constructed between 1941 and 1942, SLOP was a Government Owned-Contractor Operated (GOCO) facility for the production, storage and testing of small arms ammunition and components for the 105mm shells.

Beginning in 1945, most of the original 329 acre formerly used Defense property has been sold, leased or transferred to private interests.

SITE VISIT: Personnel from the Kansas City District have conducted several site visits over the years. The most recent site visit was conducted on 7 January 1997 by Willie McAlister and Dan Ahern of CEMRK.

CATEGORIES OF HAZARDS: OE; CON/HTRW; PRP/HTRW

a. The U.S. Army Engineer District, St. Louis compiled and Ordnance and Explosives Archival Search Report for SLOP. The pursuant recommendation was for no further OE action. This December 1993 document is on file.

b. The CON/HTRW project consists of draining, removing and disposing of four PCB laden transformers.

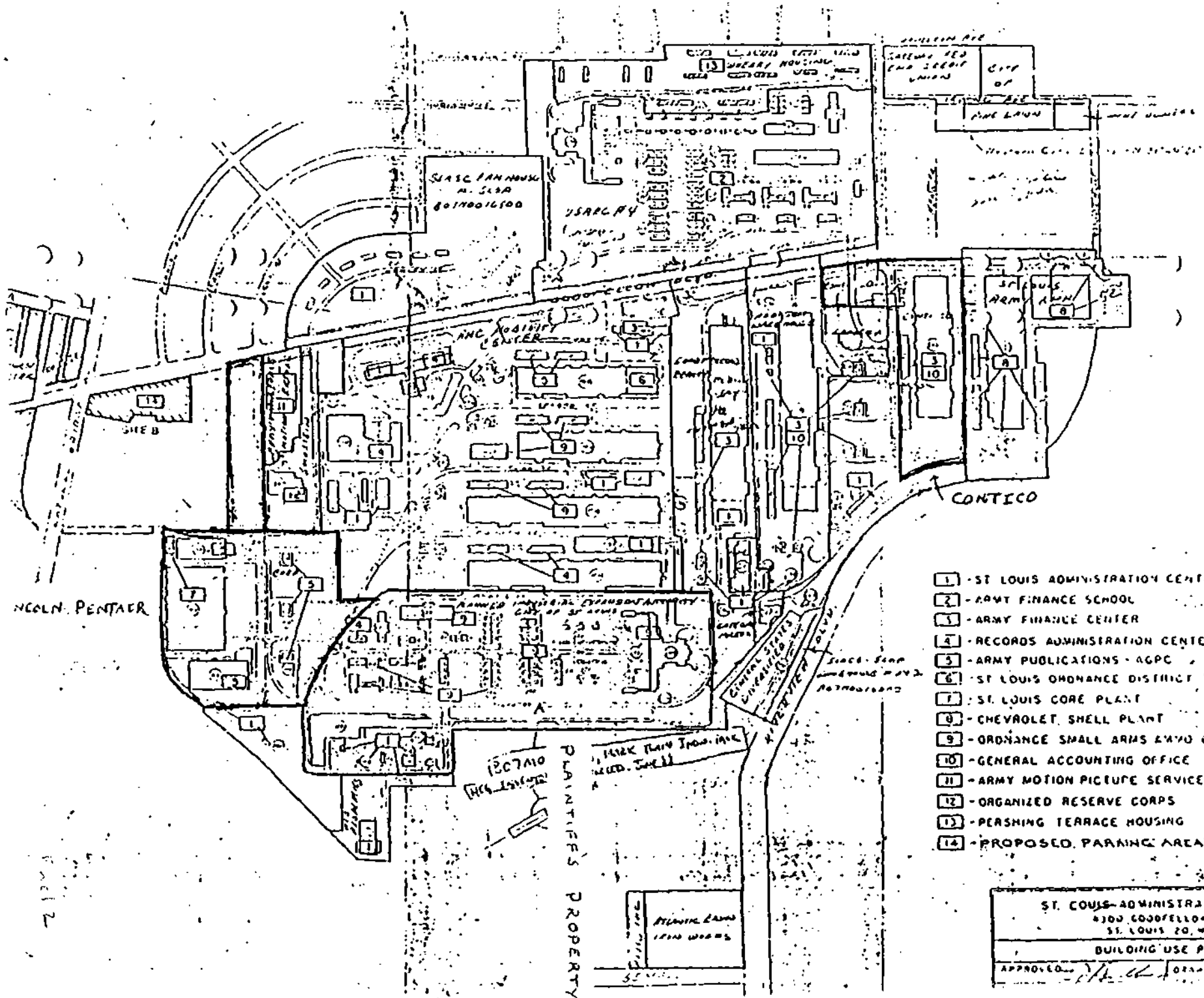
c. PRP/HTRW; One of the current owners is pursuing a legal action against the U.S. Government to recoup expenses for the removal and disposal of asbestos containing materials (ACM) buried on their property. The current owner alleges that this ACM was buried on the property by the Army prior to DOD real property disposal.

Encl 1

PROJECT DESCRIPTION: The Kansas City District requests authorization and appropriations to investigate the aforementioned allegations. Upon completion of the investigation, this District should make a recommendation about further action under DERP-FUDS.

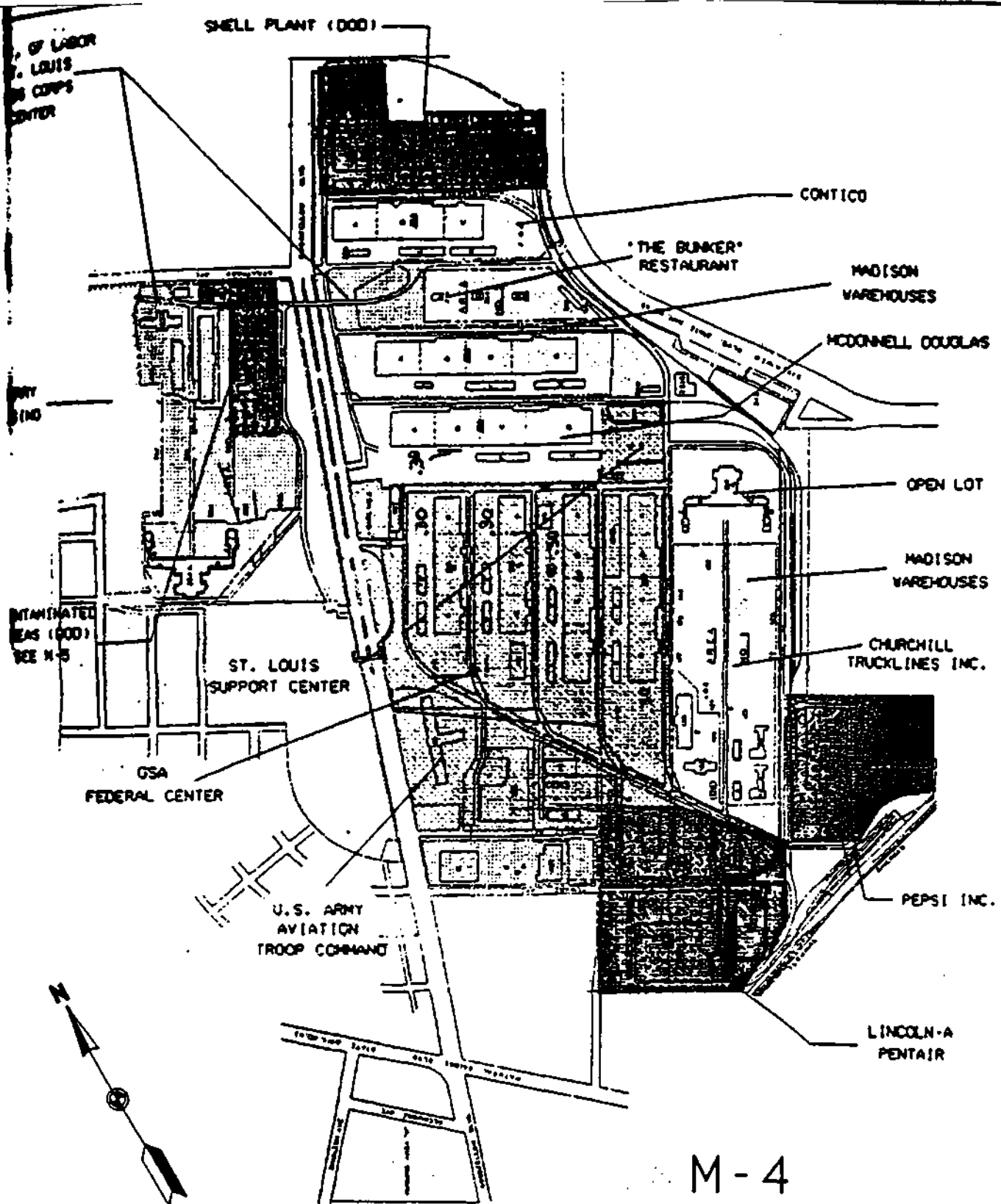
AVAILABLE STUDIES AND REPORTS: The Kansas City District's Administrative Record is on file. The OE ASR, prepared by the St. Louis District, is on file.

PA POC: The Kansas City District's point of contact for this preliminary assessment is Dan Ahern at 816-426-2608, extension 3010.



- 1 - ST. LOUIS ADMINISTRATION CENTER
- 2 - ARMY FINANCE SCHOOL
- 3 - ARMY FINANCE CENTER
- 4 - RECORDS ADMINISTRATION CENTER - A.G.O.
- 5 - ARMY PUBLICATIONS - AGPC
- 6 - ST. LOUIS ORDNANCE DISTRICT
- 7 - ST. LOUIS CORE PLANT
- 8 - CHEVROLET SHELL PLANT
- 9 - ORDNANCE SMALL ARMS ARMY CENTER
- 10 - GENERAL ACCOUNTING OFFICE
- 11 - ARMY MOTION PICTURE SERVICE
- 12 - ORGANIZED RESERVE CORPS
- 13 - PERKINS TERRACE HOUSING
- 14 - PROPOSED PARKING AREA

ST. LOUIS ADMINISTRATION CENTER	
4100 GOODFELLOW BLVD	
ST. LOUIS 20, MO.	
BUILDING USE PLAN	
APPROVED	FORN



M-4 CURRENT PROPERTY OWNERS

ST. LOUIS ORDNANCE PLANT AND
ST. LOUIS ORDNANCE CORE PLANT
ST. LOUIS CITY
ST. LOUIS, MISSOURI
DERP-FUDS# B07M00010
DERP-FUDS# B07M00170

PROJ. DATE: DEC. 1993

DATE OF MAP: 1991

NOT TO SCALE

30-DEC-1993 17:02

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DEFENSE ENVIRONMENTAL RESTORATION PROGRAM
FOR FORMERLY USED SITES
FINDINGS AND DETERMINATION OF ELIGIBILITY
ST. LOUIS ORDNANCE PLANT
ST. LOUIS, MISSOURI
PROJECT NO. 807M0001001

FINDINGS OF FACT

1. The St. Louis Ordnance Plant is located in the Mark Twain Industrial Park off of Interstate Highway 70, 4300 Goodfellow Blvd., St. Louis, Missouri.
2. In January 1941 the Government began construction of the 329.153 acre site in preparation for the United States' involvement in World War II. In the early 1940's 322.080 acres were acquired in fee, 0.035 acres in permanent easements, and 7.038 acres in licenses by direct purchases and condemnation. Although the Government acquired 329.153 acres in fees, permanent easements, and licenses, this determination focuses only on the portion that contains 55.6831 acres known as the Mark Twain Industrial Park, which is currently owned by the city of St. Louis, Missouri (Office of Business Development, OBD).
3. The subject property is part of the former Army Ammunition Plant which produced and stored small arms munition. At various times in the plant's history, the DOD's Mission changed. During the United States' involvement in World War II, the plant was used for manufacturing, testing, and storing .30 caliber and .50 caliber cartridge components. At the end of World War II the plant was deactivated until the beginning of the Korean War in 1951. During this inactive period, much of the plant was modified for the manufacturing of 105mm shells. The plant was again deactivated in 1954 after the Korean War and much of the property was declared surplus. Based upon historical documents, the subject site of 55.6831 acres was primarily used for inert chemical storage (which was contained in concrete bunkers), an indoor test firing range which consisted of two building, and a cup and anvil building. The actual purpose or use of this building is not clear; it was probably used as a small foundry.
4. The General Services Administration declared the subject property excess in October 1961, and on 30 September 1965 the United States of America (acting through GSA) conveyed the subject site, originally consisting of 55.6 acres, to the Southwestern Town Lot Company of St. Louis, Missouri by quitclaim deed. In 1979 ownership passed from the Southwestern Town Lot Company to the city of St. Louis, Missouri by Warranty Deed, dated 28 August 1979.
5. As of this date, the city in conjunction with the state has improved the property for the purposes of business/economic development. All previous buildings/structures have been demolished and removed. Improvements in the form of Municipal utilities have been added and the site is gently sloped for drainage and covered with native grasses. There is no evidence or history of hazardous materials being released, spilled, or disposed of on this portion of the former St. Louis Ordnance Plant (ref. EPA Region VII Preliminary Assessment, dated 2 October 1984).

DETERMINATION

Based on the following findings of fact, the site has been determined to be formerly used by DOD. However, the site has been beneficially used by the current owner and there is no evidence of unsafe conditions resulting from DOD use. Therefore, it is determined that an environmental restoration project is not appropriate within the purview of the Defense Environmental Restoration Program (DERP) established under 10 U.S.C. 2701 et seq., for the reasons stated above.

27 July 1988
Date



GEORGE T. LA BLONDE, JR.
Colonel, CE
Acting Commander

PROJECT SUMMARY SHEET
FOR
DERP-FUDS PRP/HTRW PROJECT NO. B07MO001003
THE FORMER ST. LOUIS ORDNANCE PLANT, MISSOURI
SITE NO. B07MO001000
10 JANUARY 1997

PROJECT DESCRIPTION: One of the owners of the formerly used Defense properties is seeking costs from the U.S. Government for expenses incurred for the excavation, removal and disposal of debris including asbestos containing materials. This debris was allegedly buried on site by the Army. The Complaint filed by the Plaintiff in the United States District Court for the Eastern District of Missouri, dated 20 September 1996, is enclosed.

PROJECT ELIGIBILITY: The former SLOP was built and utilized by the Army.

POLICY CONSIDERATIONS: There are two DERP-FUDS policies that counter the proposal of this PRP project. Under DERP-FUDS reimbursement for work performed by private interests is not allowed. Additionally, DERP-FUDS policy specifically prohibits projects that address asbestos containing materials unless incidental to the project. Since litigation is pending a request is made for a waiver to the above mentioned DERP-FUDS policy considerations.

PROPOSED PROJECT: It is proposed that an investigation be conducted to determine DOD's potential liability relating to the aforementioned allegations.

DISTRICT POINT OF CONTACT: The Kansas City District's point of contact for this matter is Dan Ahern at 816-426-2608, extension 3010.

ENC 11

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

MADISON WAREHOUSE CORPORATION AND
MADISON REDEVELOPMENT CORPORATION

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

FILED

SEP 20 1996

U. S. DISTRICT COURT
No. 2 DISTRICT OF MO.

4:96CV01898SNH

COMPLAINT

COME NOW the Plaintiffs, MADISON WAREHOUSE CORPORATION and
MADISON REDEVELOPMENT CORPORATION, by and through their attorneys,
Sonnenschein Nath and Rosenthal, and for their causes of action against the Defendant, THE
UNITED STATES OF AMERICA, state as follows:

THE PARTIES

1. Plaintiffs Madison Warehouse Corporation ("Madison Warehouse") and Plaintiff Madison Redevelopment Corporation ("Madison Redevelopment") are corporations incorporated under the laws of the State of Missouri, with their principal place of business in the State of Missouri.
2. Made Defendant herein is The United States of America ("United States").
3. The United States has been named as a Defendant on the basis of actions by and through the United States Army ("Army"), the Department of Defense ("DOD"), and/or its predecessors, and/or other departments and agencies of the United States.

Encl 3

10-18-98 10:37 202 701 4000

JURISDICTION AND VENUE

4. This Court has jurisdiction over this matter pursuant to Section 113(b) of the Comprehensive, Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9613(b) and 28 U.S.C. § 1331. The causes of action alleged herein arise under the Constitution, laws or treaties of the United States.

5. The venue of this action is properly laid in the Eastern District of Missouri pursuant to Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), as the acts, omissions, and releases complained of herein occurred within this judicial District, specifically in St. Louis, Missouri.

ALLEGATIONS COMMON TO BOTH COUNTS

6. Madison Redevelopment is the present record title owner of property located at 4300 Planned Industrial Drive, in St. Louis, Missouri (the "Site"). Madison Warehouse occupies the Site and conducts its business thereon.

7. On or about January, 1941, the United States, acting through the War Department and/or Department of the Army (now "DOD") and the Army, completed a series of purchases of approximately 329 acres of land including and in the vicinity of the Site, and began construction of a small arms plant to be used in World War II.

8. For a period beginning in approximately January, 1941, and ending in approximately May, 1942, the United States, acting through the DOD and the Army, conducted extensive demolition and fill activities on the Site in connection with the construction of the small arms plant.

16. Madison Warehouse and Madison Redevelopment are informed and believe and thereon allege that, in the course of its demolition activities or small arms ammunitions operations at the Site, the United States, acting through the DOD and the Army, leaked, discharged, and/or otherwise released asbestos-containing materials onto and into the environment, particularly the soil and subsurface soil and in the vicinity of the Site.

17. Since acquiring title and/or moving operations to the Site, Madison Redevelopment and Madison Warehouse have not leaked, discharged or otherwise released asbestos, into the soil and subsurface soil in the vicinity of the Site. Madison Redevelopment and Madison Warehouse have not and do not handle, store or dispose of asbestos at the Site.

COUNT I

CERCLA COST RECOVERY AGAINST DEFENDANT

18. Madison Warehouse and Madison Redevelopment incorporate by reference Paragraphs 1 through 17 as though fully set forth herein.

19. The United States is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

20. The United States was, during the periods in which it was record title owner of the Site or possessed of a legal or equitable ownership interest therein, both "owner" as well as "operator" of the Site as defined by Section 101(20)(a) of CERCLA, 42 U.S.C. § 9601(20)(a).

21. The United States is a person who "arranged for disposal" of hazardous substances within the meaning of Section 107(a)(3) of CERCLA, 42 U.S.C. § 9607(a)(3).

22. The Site is, and at all times relevant herein was, a "facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

23. The asbestos-containing materials disposed of by the United States on the Site are "hazardous substances" within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

24. The actions by the United States with regard to these asbestos-containing materials constituted a "release" and "disposal" of hazardous substances at the facility within the meaning of Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

25. The United States is liable under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), because it owned or operated the Site at all times when hazardous substances were released and disposed, and it arranged for the disposal of hazardous substances on the Site.

26. Madison Redevelopment is a passive nonnegligent record title owner of the Site. Madison Warehouse as a tenant at the Site has borne and may be required to bear in the future, necessary costs of response to investigate and remediate the release and disposal of hazardous substances at the Site. The United States, due to its active negligence and wrongful conduct, is absolutely liable for all necessary costs of response incurred and to be incurred by Madison Warehouse and/or Madison Redevelopment to investigate and remediate the release and disposal of hazardous substances at the Site.

27. As a direct and proximate result of the release and disposal of hazardous substances at the Site by the United States, Madison Warehouse has incurred and will continue to incur costs for testing, investigation, and remediation of these releases and disposal activities. Madison Redevelopment may also incur such costs in the future.

28. Any costs that Madison Warehouse and/or Madison Redevelopment have incurred or will incur, including attorneys' fees expended in this action, are and will be necessary costs of response consistent with the National Contingency Plan ("NCP") within the meaning of Section 107(a) of CERCLA, 42 U.S.C. § 9607(a). Accordingly, Madison Warehouse and Madison Redevelopment are entitled to reimbursement for any past, present, and/or future costs, together with the interest thereon, from the United States pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

29. Pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), the United States is strictly liable to Madison Warehouse and/or Madison Redevelopment for the costs and damages alleged.

30. An actual, substantial, and justifiable controversy now exists between Madison Redevelopment and Madison Warehouse and Defendant.

WHEREFORE, Madison Warehouse and Madison Redevelopment pray for judgment against the United States as follows:

1. For a declaration of this Court that the United States is liable to Madison Warehouse and Madison Redevelopment pursuant to § 107(a) of CERCLA, 42 U.S.C. § 9607, for all past, present, and/or future response costs consistent with the National Contingency Plan;

2. The United States be held liable for costs incurred thus far by Madison Warehouse with regard to response actions taken to prevent a release or threatened release of hazardous substances from the Site;

3. For reasonable attorneys' fees, costs of suit, and pre and post judgment interest at the highest lawful rate; and

4. For such and other further relief as the Court may deem just and proper.

COUNT II

CERCLA RIGHT OF CONTRIBUTION AGAINST DEFENDANT

31. Madison Warehouse and Madison Redevelopment incorporate by reference Paragraphs 1-30 as though fully set forth herein.

32. Madison Warehouse and Madison Redevelopment are accorded the right under Section 113(f) of CERCLA, 42 U.S.C. § 9613(f), to seek contribution from "any other party who is liable or potentially liable under Section 107(s)" for any necessary costs of response incurred for the investigation and remediation of releases of hazardous waste contamination.

33. As a direct and proximate result of the releases of hazardous substances at the Site by the United States, Madison Warehouse has and incurred costs for testing, investigation, and remediation of these releases into the soil, subsoil, surface water, and groundwater at and in the vicinity of the Site. Madison Redevelopment may incur such costs in the future.

34. Madison Warehouse and Madison Redevelopment are entitled to complete contribution from the United States under Section 113(f) of CERCLA, 42 U.S.C. § 9613(f), for all necessary costs of response, together with interest and court costs.

WHEREFORE, Madison Warehouse and Madison Redevelopment pray for judgment against the United States as follows:

1. For a declaration of this Court that the United States is liable to Madison Warehouse and Madison Redevelopment for contribution pursuant to § 113(f) of CERCLA, 42 U.S.C. § 9613(f), for past, present, and/or future response costs consistent with the National Contingency Plan;

2. The United States be held liable for contribution for costs incurred thus far and to be incurred in the future by Madison Warehouse and/or Madison Redevelopment with regard to response actions taken and to be taken to prevent a release or threatened release of hazardous substances from the facility described above;

3. For reasonable attorneys' fees, costs of suit, and pre and post judgment interest at the highest lawful rate; and

4. For such and other further relief as the Court may deem just and proper.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL

By: Carl B. Hillemann
Carl B. Hillemann #3296
One Metropolitan Square
Suite 3000
St. Louis, MO 63102
(314) 259-5809
(314) 259-5959

Attorneys for Plaintiffs Madison Warehouse
Corporation and Madison Redevelopment
Corporation

Dated: September 20, 1996

SONNEN 2

-2-